

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

AB-434 (SUB-NO. 3X)

Winchester & Western Railroad Company - Abandonment Exemption - In Cumberland County, New Jersey

BACKGROUND

In this proceeding, the Winchester & Western Railroad(WW) Company has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a 1.3 mile rail line located between milepost 122.8, near the county line separating Salem and Cumberland Counties, NJ, and proceeds generally west and then south to approximately milepost 18.0, near Haleyville, in Commercial township, Cumberland County, NJ, where the line dead ends. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

Contacts and Procedures

WW has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage¹ and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the State Department of Natural Resources, State Historical Society of New Jersey, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, Coastal Zone Management, State Department of Environmental Protection, and State Department of Transportation.

¹Defined as removal of track and ties.

ENVIRONMENTAL REVIEW

This Environmental Assessment (EA) evaluates the potential environmental effects that could result from the proposed abandonment. This EA will evaluate the environmental impacts of salvage of the line and how best, if necessary, to mitigate any potential impacts of track salvage within the right-of-way². The Board's Section of Environmental Analysis (SEA) has prepared this document in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321), the Board's environmental rules (49 CFR Part 1105) and other applicable environmental statutes and regulations.

Traffic

In the last three years, only three entities have used the line for rail service: Unimin Corporation (Unimin), U.S. Silica Company and Ricci Bros. Sand Co., Inc. Unimin has not shipped any traffic over the line since April 1999. The two other shippers, neither of which is physically located on the line, truck a limited number of carloads of sand to the line and then transload the sand into rail cars. As of November 24, 2000, 93 of the 96 carload of traffic that moved over the line this year originated in Mauricetown, NJ from one of the two shippers. This shipper moves its traffic by truck approximately one mile north to Unimin's load-out structure in Haleyville, NJ where the traffic is transloaded into rail cars and moved on WW's line. If the abandonment is approved, this shipper will have access to two other load-out facilities located on other parts of WW's line. This traffic will likely move by truck from Mauricetown north approximately three and a half miles to a facility at Newport, NJ or, approximately four and a half miles to a facility at Port Elizabeth, NJ. The second shipper moved only three rail cars this year. Any diversion of this traffic to other transportation systems should be negligible.

The abandonment would result in a shift of a very small amount of freight from rail to truck. The proposed abandonment would have no adverse effects on local or regional transportation systems or patterns either because the traffic is de minimus or because the traffic that once used the line has been diverted to other transportation modes.

Wetlands

Based on the New Jersey Department of Environmental Protection's (EPA) review of the project, freshwater wetlands and/or transition areas may be present immediately adjacent to the right-of-way. Should excavation of the roadbed beyond the level of the ballast or any other demolition not exempted under New Jersey's Waterfront Development Act, Wetlands Act of 1970 or the Coastal Area Facility Review Act, be considered, then a review under the Freshwater Wetlands Protection Act would be required. SEA recommends that WW consult with the New Jersey EPA if any work is to be undertaken in freshwater and/or transition areas within proximity to the right-of-way.

²The SEA notes here that the Board's jurisdiction for imposition of mitigating conditions is limited to activities and impacts within the railroad right-of-way.

Historic

The New Jersey State Historic Preservation Officer has not yet completed their review of the proposed abandonment and discontinuance. Therefore, we recommend that a condition be placed on any decision granting abandonment authority, requiring the WW to retain its interest in the line until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Please refer to Docket No. AB-434 (Sub No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 4/27/01.

Comment due date: 5/25/01.

By the Board, Victoria Rutson, Acting Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

MAP TO BE SCANNED